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THE ANDHRA PRADESH GAZETTE

PART-I EXTRAORDINARY
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No. 74]

HYDERABAD, MONDAY, FEBRUARY 15, 2010.

NOTIFICATIONS BY GOVERNMENT

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MINORITIES WELFARE DEPARTMENT

(*Wakf - III*)

THE ANDHRA PRADESH WAKFS MANAGING COMMITTEE (CONSTITUTIONS, FUNCTIONS AND DUTIES) REGULATIONS, 2009 – APPROVED.

[G.O. Ms. No. 74 Minorities Welfare (Wakf.III), 20th November, 2010.]

READ:

From the Chief Executive Officer, A.P. State Wakf Board, Hyderabad
Letter No.49/L4/Hyd./2009, Dated: 07.10.2009.

In exercise of the powers conferred by Section 110 of the Wakf Act 1995 (Act No.43 of 1995), Government hereby accord sanction to the Andhra Pradesh Wakfs Managing Committee (constitutions, functions and duties) Regulations, 2009 furnished by the Chief Executive Officer, A.P. State Wakf Board, Hyderabad vide his letter read above. The regulations as altered are annexed to the G.O.

ANNEXURE

**The Andhra Pradesh Wakfs Managing Committee
(constitutions, functions and duties)
Regulations, 2009**

1. SHORT TITLE, APPLICABILITY AND COMMENCEMENT :

(1) These Regulations may be called "The Andhra Pradesh Wakfs Managing Committee (constitutions, functions and duties) Regulations, 2009."

(2) They shall apply to:

- (i) Wakfs / Wakf Institution under the direct management of the Board / Wakf institution taken over under the direct management of the Board under section 65 of the Act; and
- (ii) Wakfs / Wakf Institution of which the Board is notified as mutawalli in the Gazette.

ILLUSTRATIVE LIST OF WAKF INSTITUTIONS

- i) Mosque; ii) Ashoorkhana; iii) Alawajaath / Ashoorkhana / Bargah; iv) Chilla / Sarai / Chilla Nishaan; v) Dargah; vi) Ikhamath Khana (Hostel); vii) Idgah; viii) Khabrastan includes Takiya ix) Maqbera; x) Musafirkhana; xi) Nabi Khana Imambara etc.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. DEFINITION :

In these regulations unless the context otherwise requires:-

- a) Act means: The Wakf Act, 1995;
- b) Board means the Andhra Pradesh State Wakf Board including Special Officer so appointed under section 99 of the Act.
- c) Inhabitant means a person who has place of residence, business or office in the area where Wakf Institution exists / located.
- d) Management Committee means: committee established / approved by the Board; under section 18 of the Act and in accordance with these regulations.
- e) Mussalies means and includes mussalies /disciples/devotees as the case may be who offers prayers in the Wakf / Wakf Institution and includes persons who have right to perform rites in graveyard and whose names are borne on the register of mussallies maintained as per these regulations.
- f) Register means register maintained by the committee showing the list of individuals who attended the Wakf / Wakf Institution for the performance of prayers.
- g) Rules means Andhra Pradesh Wakf Rules 2000;
- h) Section means, Section of the Wakf Act;

3. BOARD TO CONSTITUTE MANAGING COMMITTEE :

The Board may, whenever it considers necessary, establish by a resolution in that behalf a managing committee or committees with such functions and powers as per these regulations.

4. COMPOSITION OF THE MANAGING COMMITTEE :

The Managing Committee shall consist of the following office bearers and Members:-

- (1) President
- (2) Vice President
- (3) Secretary
- (4) Treasurer and
- (5) Members not less than 3 and not more than 7

5. METHOD OF CONSTITUTION OF MANAGING COMMITTEE

The Managing Committee for a Wakf / Wakf Institution may be constituted in the following manner.

- i) By approving the panel unanimously selected by the mussalies and certified by the Inspector Auditor of the Board.
- ii) In the absence of unanimous panel through election from among the mussalies of the Wakf / Wakf Institution conducted under the control and supervision of Inspector Auditor of the Board.

6. ELEGIBILITY TO BECOME A MUSSALI:

Any Muslim who has attained the age of 18 years is eligible to become Musalli. However the Mussali shall be inhabitant of the area in which the Wakf / Wakf Institution is situated.

7. ELECTORATE The electorate for electing the office bearers and members of the Managing Committee shall consist of all the Mussalies borne on the Register of Musallies of the Wakf / Wakf Institution.

8. ELIGIBILITY TO BECOME AN OFFICE BEARER OR MEMBER:

No Musalli who has not been on the register of Mussalies shall be eligible to contest as an office bearer unless he had been a Musalli of Wakf / Wakf Institution for at least for 3 years and in the case of a member for at least for one year as on the date of election Notification.

9. DISQUALIFICATION A mussali shall be disqualified for being elected or for continuing as an office bearer or Member if

- (1) he is less than 18 years of age.
- (2) he is found to be a person of un'sound mind.

- (3) he is an undercharged insolvent.
- (4) he has been convicted for any offence under any law unless such conviction has been reversed.
- (5) he has been removed from the office as an office bearer or member or member of the Board or a Mutawalli.
- (6) he has been found by any order of the Board to have committed mismanagement of a Wakf / Wakf Institutions.
- (7) he is a tenant of Wakf / Wakf institution
- (8) he has ceased to be a mussali of the Wakf / Wakf Institution.

10. NOTIFICATION FOR ELECTION.

1. The Inspector Auditor Wakf or any other person authorized by the Board any person specifically appointed by the Board shall notify the date, time and place of the election at least 15 days in advance of the polling date. The notification shall indicate the process of election and declaration of results.

Provided that the final voters list shall be published on the notice Board of the Wakf / Wakf Institution 30 days in advance of the polling date.

Provided further that before publishing the final voter list a draft list thereof shall be published giving 10 days time to add / delete / rectify the defects if any in the voters list.

2. The Inspector Auditor of the Board shall reject the nomination of a person incurring disqualification.

3. The Inspector Auditor of the Board shall after declaration of result forward the list certified by him to the Board for approval of establishment of the managing committee and after the approval of the Board, such election should become final.

Provided that the above exercise is not necessary in the event of unanimous election of the panel and the same shall be certified and forwarded to the Board,

11. TERM OF THE COMMITTEE:

The term of the managing committee shall be not less than the period of one (1) year and not more than for a period of (3) three years

12. DUTIES OF THE COMMITTEES:

(1) The Committee shall supervise / manage / maintain the Wakf / Wakf Institution and take steps to safeguard the same.

(2) The Committee shall open an account in any nationalized bank in the name of the Wakf / Wakf institution and the Account shall be operated jointly by the President and the Secretary.

(3) The Committee may collect the amounts towards subscriptions / donations.

(4) The Committee shall maintain proper accounts and get certified by the Inspector Auditor of the Board.

(5) The committee shall send the accounts certified by the Inspector Auditor to the Board regularly.

- (6) The Committee shall pay 7% Wakf Fund to the Board
- (7) The Committee may incur necessary expenditure towards maintenance of the Wakf / Wakf Institution.
- (8) The Committee shall handover charge along with the records after the expiry of the term to the succeeding committee or to the Inspector Auditor or as per Act or as directed by the Board.
- (9) It is the discretionary powers of the Board either to delegate financial power to deal with the finance of the institution for which committee is elected / appointed or not in the interest of the Wakf.

13. MEETINGS OF THE COMMITTEE:

- (1) The Managing Committee shall meet at least once in a month and decision on the matters shall be decided by the majority.
- (2) The Committee shall hold general meeting of musallies once in a year and submit the account, audit report, annual report of the Committee for approval and also affix the same on the notice Board of the Wakf / Wakf institution

14. SPECIAL MEETING: In case of any urgency and importance, the President of the committee is entitled to call special meeting duly specifying the purpose for which the meeting is proposed to be called.

15. RESIGNATION: A member of the Committee may resign his membership by a letter addressed to the President of the Committee and the Committee shall forward the same to the Wakf Board and such resignation shall take effect from the date of its acceptance by the Board.

16. FILLING UP OF VACANCY:

- (1) In case any vacancy arises due to resignation, death or otherwise shall be filled up by the nomination by the Committee by a unanimous resolution and intimate the same to the Board for Approval
- (2) Where any complaint is received against the functioning of the Committee and there is a prima-facie or where the conduct of the Committee is against the interest of the Wakf, the Board in exercise of the powers under section 67(2) of the Wakf Act proceeds to supercede the Committee.

17. REMOVAL OF THE MEMBER:

The Board may remove an office bearer or Member for incurring any disqualification after a resolution adopted by the Managing Committee.

18. DUTIES AND FUNCTIONS OF THE PRESIDENT:

- (1) The entire affairs of the Committee shall be under the control of the President.
- (2) He shall preside over the meetings as and when conducted. He is empowered to use his designation for discharge of the designated duties and responsibilities by the Managing Committee except the meeting of the selection of the Committee of the Musallies.

19. POWERS AND FUNCTIONS OF VICE-PRESIDENT:

In the absence of the President, the Vice President shall discharge the duties as entrusted by the President.

20. POWERS AND FUNCTIONS OF THE SECRETARY:

- (1) He shall strictly run the affairs of the Managing Committee as per the Wakf Act, rules and in compliance to the directions, control and supervisions of the Board.
- (2) To issue notices of the meeting of the Managing Committee.
- (3) In case where 2 months period have elapsed and President refuses to convene the meeting, the Secretary shall convene the meeting by intimating the Inspector Auditor Wakfs and the Chief Executive Officer of the Board.
- (4) He shall maintain the minutes / proceedings / record of the committee meeting and their circulations to the members and others.
- (5) He shall keep proper custody, record keeping and other information.

21 POWERS AND FUNCTIONS OF THE TREASURER: The responsibility of accounts of the Wakf is vested in the Treasurer and vouchers shall bear the endorsement of the Secretary. All cheques shall bear signature of the President and the Treasurer.

22. RENEWAL: If the Committee elected by the Members of the Wakf and recognized / approved by the Board are found functioning up to the mark and raised the income in case financial powers are delegated by the Board to such committee and there is no complaint against the Committee and no dues to the Wakf Fund to be recovered and maintaining the accounts and submitting the budget, such Committees term may be renewed from time to time. The Board may renew the term of the Committee if any Court litigation / litigations are pending, involving the property / properties.

23. POWERS TO AMEND RESOLUTION: The Board is vested with the powers to amend these regulations partially or totally with the approval of Government as and when required. Further the Board is vested with the powers to use its discretionary powers and may constitute the Committee according to prevailing circumstances by recording the reasons in some special Wakf and due to prevailing circumstances when it is necessary to do so.

24. POWERS OF THE BOARD (Supersession of the Committee):-

The Board if it is satisfied that the Managing Committee is not functioning properly and satisfactorily or that the Wakf is being mismanaged and that in the interest of its proper management, it is necessary so to do by an order supercede such Committee and on such supersession any direction of the Wakf in so far as it relates to the constitution of Committee shall cease to have any force. All action for suppression of the Committee by the Board, the Board shall strictly follow the procedure prescribed under section 67(2) of the Wakf Act, 1995.

25. Savings:- These regulations shall not affect the functioning of the managing committee already constituted till the expiry of their respective terms.

LINGARAJ PANIGRAHI,
Principal Secretary to Government.